

**REMARKS**

Claims 1-26 were pending in this application.

Claims 27-31 were added.

Upon entry of this amendment, claims 1-31 will be pending, of which claims 1, 7, 12, 13, 15, 21, 22, 24 to 27, and 31 are independent claims.

**A. ALLOWABLE SUBJECT MATTER**

Applicants thank the Examiner for allowing Claims 15 to 20 and 25. Further, in section 6 of the current Office Action, the Examiner states that "Claims 8, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Accordingly, Applicants have added new claim 27, which incorporates the features of claim 8 including all of the limitations of the original base claim 7. Claims 28 to 30 depend from new claim 27 and thus inherit the features of independent claim 27. Additionally, Applicants have added new claim 31, which incorporates the features of claim 23 including all of the limitations of the original base claim 22.

**B. SECTION 103 REJECTIONS**

The Office Action rejects Claims 1-7, 9-14, 22, 24 and 26 pursuant to 35 U.S.C. section 103(a) as being unpatentable over U.S. Patent No. 6,810,043 (Naven). In sections 4 and 12 of the Office Action, the Examiner appears to equate a first and second subqueue of the application with a master and slave calendar, respectively, of Naven. Specifically, in section 12, the "Examiner

posits that it is not unreasonable to interpret the master calendar and slave calendar as a first subqueue and a second subqueue." However, the present Application distinguishes a calendar data structure from a queue data structure. (Application, page 5, lines 29 to page 6, line 3). The queue data structure may include a plurality of subqueues having different respective ranges and resolutions. (Application, page 12, lines 15-17). Therefore, according to the Application, a calendar is different than a scheduling queue and subqueues included therein. For at least the reason above, Applicants respectfully submit that Claims 1, 12, 22 and 24, and Claims 2-6 and 23 which depend therefrom, are allowable.

Further, Applicants assert that the Examiner has not met the burden of establishing a *prima facie* case of obviousness. Applicants respectfully submit the Examiner provides no support for the assumption of "interpret[ing] the master calendar and slave calendar as a first subqueue and a second subqueue" as described above. The Examiner's unsupported theory is not sufficient without some reasoning or suggestion provided by the reference. As Applicants read Nathan, no reference is made to "a first subqueue and a second subqueue." Thus, Applicants assert that the Examiner has improperly used hindsight in creating his obviousness rejection. Therefore, the Examiner's rejection is untenable and Applicants respectfully request withdrawal of the Section 103 rejection for this reason.

Additionally, in section 13 of the current Office Action, the Examiner indicates "the features upon which applicant relies (*i.e.*, resolution to be understood to mean the inverse of the distance increment that corresponds to each slot in the queue) are not recited in the rejected

claims(s)." Accordingly, Applicants have amended claims 1, 11, 12, 22, and 24 to recite this claim feature and make explicit that which was implicit. Claim 1 recites, among other things:

one or more scheduling queues each adapted to define a sequence in which flows are to be serviced, at least one scheduling queue including at least a first subqueue and a second subqueue, the first subqueue having a first range and a first resolution, and the second subqueue having a second range that is greater than the first range and a second resolution that is less than the first resolution, wherein the first and second resolutions are an inverse of a distance increment that corresponds to at least one slot in each of the respective first and second subqueues (emphasis added).

Claims 11, 12, 22, and 24 recite similar features.

Support for these amendments may be found in Applicants' specification where "resolution" is understood to mean the inverse of the distance increment that corresponds to each slot in the queue. (Application, page 8, lines 12-16). Further, as described in the Application:

In the particular example of FIG. 4, the lower resolution subqueue 54 has sixteen times the range and one-sixteenth of the resolution of the higher resolution subqueue 52. For example, each slot in the higher resolution subqueue 52 may correspond to one distance unit for enqueueing and dequeuing purposes, whereas each slot in the lower resolution subqueue 54 may correspond to sixteen distance units for enqueueing and dequeuing purposes.

(Application, page 12, lines 24-31) (emphasis added).

Therefore, each slot may correspond to one or more distance units for enqueueing and dequeuing purposes.

In contrast, "resolution" is meaningless in the slave calendar 12 of Naven because entries do not appear to be enqueued or dequeued from the slave calendar. Rather, as described in column 11, lines 3-11 and lines 21-26 of Naven, a next scheduling time (NST) of a block in a storage location of the slave location may be compared with a current time pointer T of a master calendar 1 and if the difference between the stored NST and T is within the scheduling range SR of the master calendar, calendar control circuitry 24 determines from the NST the position (storage location 2) at which a virtual channel (VC) should be entered in the master calendar 1. Therefore, in contrast to the Examiner's assertion, it appears the slave calendar 12 cannot have a second resolution. Consequently, Applicants respectfully submit that Claims 1, 12, 22 and 24, and Claims 2 through 6 which depend therefrom, are allowable.

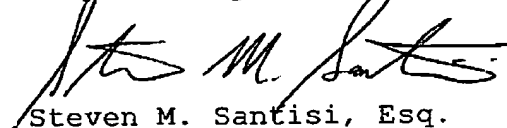
In section 4 of the Office Action, to reject Claim 7, the Examiner states "Naven discloses scheduling circuitry comprising a master calendar and a slave calendar in which to schedule cell transmissions (a scheduler for a network processor, the scheduler comprising a scheduling queue in which flows are enqueued, Abstract). (Office Action, page 6, lines 1 to 4). Claims 13 and 26 are rejected in a similar manner. The Examiner again incorrectly equates the scheduling queue of the application with the master and slave calendars of Naven. However, as stated above according to the Application, a calendar is different than the scheduling queue. For at least such reason, Applicants respectfully submit that Claims 7, 13 and 26, and Claims 8-11 and 14 which depend therefrom, are allowable.

The Office Action rejects Claim 21 pursuant to 35 U.S.C. section 103(a) as being unpatentable over Naven in view of U.S. Patent No. 6,810,426 (Mysore). More specifically, in section 5 of the Office Action, to reject Claim 21 the Examiner appears to equate the master and slave calendars of Naven with the first and second subqueues, respectively, of a first scheduling queue in the application. (Office Action, page 13 line 18 to page 14, line 5). However, as stated above according to the Application, a calendar is different than the scheduling queue. Therefore, Applicants respectfully submit Naven does not appear to disclose "at least a first scheduling queue that includes at least a first subqueue and a second subqueue" as recited by Claim 21. Mysore does not appear to overcome the deficiencies of Naven. Consequently, Applicants respectfully submit that Claim 21 is allowable.

**C. CONCLUSION**

Applicants believe all pending claims are in condition for allowance, and respectfully request reconsideration and allowance of the same. Applicants do not believe a Request for Extension of Time is required but if it is, please accept this paragraph as a Request for Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any other fees are due regarding this amendment. If any other fees are required, however, please charge Deposit Account No. 04-1696. The Applicants encourage the Examiner to telephone Applicants' attorney should any issues remain.

Respectfully Submitted,



Steven M. Santisi, Esq.  
Registration No. 4,157  
Dugan & Dugan, PC  
Attorneys for Applicants  
(914) 332-9081

Dated: May 2, 2006  
Tarrytown, New York